



# OLR RESEARCH REPORT

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## **LEGISLATIVE HISTORY OF PA 85-71, FAILING TO STOP FOR SCHOOL BUS**

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You want to know the legislative history of the act requiring police, on receipt of a written complaint from a school bus driver, to issue a written warning or summons to a motor vehicle owner for illegally passing a stopped school bus.

For your information, we also have appended a chart showing the disposition of cases in which vehicles failed to stop for a school bus from 2007 through 2011, according to figures provided by the Judicial Branch. We were unable to determine how many of these cases were based on a bus driver's written report. Representatives of the Chief State's Attorney's office and the Judicial Branch said the state does not track those numbers.

### **BACKGROUND**

A motor vehicle cannot pass a stopped school bus displaying flashing red signal lights, but must stop at least 10 feet before or behind such a bus ([CGS § 14-279](#)). Under the law, police must issue a written warning or a summons to the owner of a vehicle who illegally passes a school bus "upon a written report from any school bus operator...specifying the license plate number, color and type of any vehicle" the bus driver sees violating the law. The driver's report must also note the date, approximate time, and location of the violation.

## **PA 85-71**

A provision allowing police to issue a written warning to a vehicle owner on receiving a bus driver's written report was enacted in 1985 (PA 85-71, originating as HB 5749). The act also allowed anyone over age 18 to submit such a written report.

The Transportation Committee held a hearing on HB 5749 on February 4, 1985. Several people testified in support of the provision, arguing there was insufficient enforcement of the school bus passing law. A Department of Motor Vehicles (DMV) representative spoke against the bill.

Sharon Ward, school transportation safety director for a school bus contractor, said "the statute must be changed so that local police and state troopers are required to make arrests when drivers give an adequate amount of information...the marker number, the color and make of the car."

Another witness, Robin Leeds, executive director of the Connecticut School Transportation Association, said the bill "represents an attempt to address the most serious problem in school transportation, the danger in the unloading zones. Not only do all our fatalities occur here, but our most severe injuries as well. Already this winter, we have seen at least five children hit and seriously injured by motorists who did not stop for the flashing red lights of the school bus. In two of those instances, the motorist said to the officer...I didn't know I was supposed to stop."

"It is safe to assume," she continued, "that those motorists had passed a school bus before. If their license numbers had been turned in by a bus driver and accepted by a policeman...who then sent a written warning...they would have known they were supposed to stop before they hit the children." She said 20 states already had similar laws.

John O'Connell, DMV's public transportation administrator, opposed the bill, saying the department had "some...concerns regarding the question of constitutionality and an abuse of such a statute about drivers picking up the plate numbers..."

The House of Representatives considered the bill on April 10, 1985, and passed it after amending it by voice vote to allow, rather than require, police to issue a written warning on receipt of a bus driver's written report (LCO # 5478).

Speaking in support of the amended bill, Representative Wilber said “the feeling of the [transportation] committee was that most people do not pass school buses intentionally, but they do it forgetfully, and if a warning is issued, they probably will not do it again, or not so likely to do it again.”

Representative Frankel opposed the bill, saying its “fatal flaw” was that it was directed at vehicle owners, rather than the person driving the vehicle when the violation occurred. But Representative Ward, arguing for the bill, said school bus drivers “faced...a dilemma. They see a vehicle pass them illegally...They do not know who the operator is, but they clearly can get a marker number.”

“Nothing in this bill prevents a ticket, if you know who was the driver,” Ward said. “It takes the extra step, however, of allowing a warning to the owner of a vehicle when you cannot identify the operator.”

The House passed the amended bill by a 117 to 32 vote.

The Senate debate occurred on April 17, 1985. Senator Giulietti opposed the measure, saying it did not “really have any teeth” because it allowed, rather than required, police to issue a warning. He also objected to “making school bus drivers or any other person over 18...policemen.” Senator Consoli also objected to giving “non-police personnel” the authority to make a complaint in these cases.

Senator Morano, speaking on behalf of the bill, argued that “any tool...to teach people not to go racing by stopped school buses would be good legislation.” Senator DiBella, also speaking on behalf of the bill, said it would allow a policeman “to issue a warning without being on the scene.”

The Senate passed the bill, as amended by the House, by a vote of 30 to 3.

## **SUBSEQUENT CHANGES TO THE LAW**

PA 85-71 was codified in [CGS § 14-279](#). The statute has since been amended several times, as follows (excluding technical changes):

PA 86-155 changed the law by (1) explicitly requiring vehicles to stop for stopped school buses displaying flashing red signal lights on any highway, private road, parking area, or school property; (2) eliminating the ability of “other persons 18 years of age or over” to submit written reports of vehicles failing to stop; and (3) requiring, rather than allowing, a police officer to issue either a written warning or summons on receiving a school bus driver’s written report.

[PA 01-192](#) expressly required emergency vehicles, such as fire department and police vehicles, to stop at least 10 feet from a school bus displaying flashing red signal lights.

[PA 11-255](#) replaced the fine for a first offense of between \$100 and \$500 with a \$450 fine and allowed video evidence of failing to stop for a school bus.

#### **DISPOSITION OF RECENT CASES BROUGHT UNDER [CGS § 14-279](#)**

The chart below shows the number of offenses and their disposition for violating [CGS § 14-279](#) from 2007 through 2011, according to figures provided by the Judicial Branch. (Violations of [CGS § 14-279](#) are treated as infractions, and subject to the Superior Court’s Centralized Infractions Bureau (CIB) procedures, which allow the accused to pay the fine by mail without making a court appearance. The CIB enters a nolo contendere (no contest) plea on behalf of anyone who pays a fine in this way. The plea is inadmissible in any criminal or civil court proceeding against the accused ([CGS § 51-164n](#))).

<i>Year</i>	<i>Number of Offenses</i>	<i>Convictions</i>	<i>Pleas</i>	<i>Cases Processed by CIB</i>	<i>Bond Forfeitures</i>	<i>Failure to Appear</i>	<i>Acquittals</i>	<i>Nolles (not prosecuted)</i>
2011	582	24	71	206	115	27	2	137
2010	653	17	97	226	125	25	0	163
2009	587	21	95	164	101	28	2	176
2008	634	25	105	183	117	39	4	161
2007	651	20	99	194	123	44	2	169

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